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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,150	05/14/1999	PHILIP J. MIRE	M-7219-US	2203
7590 DAVID L. McCOMBS HAYNES and BOONE, LLP 901 MAIN STREET SUITE 3100 DALLAS, TX 75202-3789			EXAMINER MOORTHY, ARAVIND K	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 05/27/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/312,150

Applicant(s)

MIRE, PHILIP J.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7-12, 18-22 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-12, 18-22 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This is in response to the communications filed on 31 July 2007.
2. Claims 1, 7-12, 18-22 and 30 are pending in the application.
3. Claims 1, 7-12, 18-22 and 30 have been rejected.
4. Claims 2-6, 13-17 and 23-29 have been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7-12, 18-22 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 12 recite the limitation "encrypting the data using the session key and a symmetric encryption routine". However, it is unclear to the examiner as to which entity (first data processing system or second data processing system) is performing the encrypting step.

Independent claims 1, 12 and 30 recite the limitation "encrypting the session key, with a public key of the first user using an asymmetric encryption routine". However, it is unclear to the examiner as to which entity (first data processing system or second data processing system) is performing the encrypting step.

Independent claims 1, 12 and 30 recite the limitation "encrypting the session key, with a master public key of the first user using an asymmetric encryption routine". However, it is

unclear to the examiner as to which entity (first data processing system or second data processing system) is performing the encrypting step.

Independent claims 1, 12 and 30 recite the limitation “storing a first user private key on any media”. However, it is unclear to the examiner as to which entity (first data processing system or second data processing system) is storing the private key.

Independent claims 1, 12 and 30 recite the limitation “decrypting the user key blob using the asymmetric encryption routine”. However, it is unclear to the examiner as to which entity (first data processing system or second data processing system) is performing the encrypting step.

Independent claims 1, 12 and 30 recite the limitation “encrypting the session key, with a public key of the first user using an asymmetric encryption routine” and “encrypting the session key, with a master public key of the first user using an asymmetric encryption routine”. However, it is unclear to the examiner if there are multiple copies of the session key that get encrypted with a public key of the first user and a master public key of the first user or if the session key is being twice encrypted. The examiner requests clarification.

Independent claims 1, 12 and 30, recite the limitation “the first system decrypting the data using the symmetric encryption routine and securely transmitting the data to the first system”. It is unclear to the examiner how the first system can decrypt the data and securely transmit the data to itself. For the sake of examining, the examiner assumes that the second system decrypts the data and transmits it to the first system.

Any claims not directly addressed are rejected on the virtue of their dependency.

6. Claims 8, 10, 19 and 21 recites the limitation "the master private key" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

7. Claims 1, 7-12, 18-22 and 30 allowed over prior art.

As to independent claims 1, 12 and 30, prior art does not disclose, teach or fairly suggest providing a first data processing system for a first user and a second data processing system for a second user. Prior art does not disclose, teach or fairly suggest providing a session key randomly generated by the second system for use in encrypting original data. Prior art does not disclose, teach or fairly suggest encrypting the data using the session key and a symmetric encryption routine. Prior art does not disclose, teach or fairly suggest encrypting the session key, with a public key of the first user using an asymmetric encryption routine, for storage as a first user key blob. Prior art does not disclose, teach or fairly suggest encrypting the session key, with a master public key using the asymmetric encryption routine, for storage as a master key blob. Prior art does not disclose, teach or fairly suggest storing a first user private key on any media. Prior art does not disclose, teach or fairly suggest decrypting the user key blob using the asymmetric encryption routine providing the first system with access to the session key. Prior art does not disclose, teach or fairly suggest the first system decrypting the data using the symmetric encryption routine and securely transmitting the data to the first system.

Any claims not directly addressed are allowed on the virtue of their dependency.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/
Examiner, Art Unit 2131
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131